

INTERFERENCE DIGEST

Interference No. 105,615

Paper No.

Name: Carlo Dall'Aglia et al.

Serial No.: 09/875,137

Patent No.

Title: Apparatus for checking diametral dimensions of cylindrical parts rotating with an orbital motion

Filed: 06/07/01

Interference with Esteve

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Jameson Lee
Telephone: 571-272-4683
Facsimile: 571-273-0042

Applicants: DALL'AGLIO
Application No.: 09/875,137
Filed: 06/07/01
For: Apparatus for checking diametral dimensions of
cylindrical parts rotating with an orbital motion

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,615.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Jameson Lee/
JAMESON LEE
Administrative Patent Judge

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 1
Filed 6 May 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

XAVIER ESTEVE
Junior Party
(Patent 6,088,924),

v.

CARLO DALL'AGLIO and **RICCARDO CIPRIANI**
Senior Party
(Application 09/875,137).

Patent Interference No. 105,615 (JL)
(Technology Center 2800)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
3 parties. Details of the application(s), patent (if any), reissue application (if any), count(s)
4 and claims designated as corresponding or as not corresponding to the count(s) appear
5 in Parts E and F of this DECLARATION.

6
7 **Part B. Judge managing the interference**

8 Administrative Patent Judge Jameson Lee has been designated to manage the
9 interference. Bd. R. 104(a).

10 **Part C. Standing order**

11 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
12 DECLARATION. The STANDING ORDER applies to this interference.

13 **Part D. Initial conference call**

14 A telephone conference call to discuss the interference is set for **10:00 a.m. on**
15 **17 June 2008** (the Board will initiate the call).

16 No later than **four business days** prior to the conference call, each party shall
17 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
18 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

19 A sample schedule for taking action during the motion phase appears as Form 2
20 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
21 the conference call and to agree on dates for taking action. -A typical motion period

1 lasts approximately eight (8) months. Counsel should be prepared to justify any request
2 for a shorter or longer period.

3 **Part E. Identification and order of the parties**

4 Junior Party

5 Named inventor: XAVIER ESTEVE, Marin, Switzerland
6 Involved Patent: 6,088,924 granted 18 July 2000 based on
7 Application 09/043,889, filed 31 March 1998
8 Title: Device for monitoring the diameter of an orbitally
9 mobile cylindrical piece during machining thereof
10 Assignee: ETAMIC SA

11
12 Senior Party

13 Named Inventors: CARLO DALL'AGLIO, Castello D'Argile, Italy
14 RICCARDO CIPRIANI, Ferrara, Italy
15 Involved Application: 09/875,137 filed 7 June 2001
16 Title: Apparatus for checking diametral dimensions of
17 cylindrical parts rotating with an orbital motion
18 Assignee: Noufon S.P.A.

19
20 The senior party is assigned exhibit numbers 1001-1999. The junior party is
21 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party
22 is responsible for initiating settlement discussions. SO ¶ 126.1.
23

Part F. Count and claims of the parties

Count 1

Application claim 25 of Dall'Aglío or Patent claim 1 of Esteve

The claims of the parties are:

Esteve: Claims 1-12

Dall'Aglío: Claims 25-41

The claims of the parties which correspond to Count 1 are:

Esteve: Claims 1-4 and 12

Dall'Aglío: Claims 25-32, 35-37 and 39-41

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Esteve: Claims 5-11

Dall'Aglío: Claims 33, 34 and 38

The parties are accorded the following benefit:

Esteve: PCT/FR96/01545, filed 3 October 1996

French Application 95/11789, filed 6 October 1995

Dall'Aglío: Application 09/533,784, filed 24 March 2000, now Patent

No. 6,298,571 granted 9 October 2001

Application 09/011,928, filed 24 February 1998, now Patent

No. 6,067,721 granted 30 May 2000

PCT/EP96/04147, filed 23 September 1996

Italian Application B095A000469, filed 3 October 1995

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see
SO ¶ 106.1.1:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

XAVIER ESTEVE
Junior Party
(Patent 6,088,924),

v.

CARLO DALL'AGLIO and RICCARDO CIPRIANI
Senior Party
(Application 09/875,137).

Patent Interference No. 105,615 (JL)
(Technology Center 2800)

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/JAMESON LEE/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,088,924
Copy of claims of 09/875,137

Revised 3 January 2006

1 cc (via overnight delivery):
2

3 Attorney for Esteve:
4

5 Fred S. Whisenhunt, Esq.
6 GRIFFIN, BUTLER, WHISENHUNT & SZIPL, LLP
7 2300 Ninth Street, South, Suite PH-1
8 Arlington, VA 22204
9

10 Attorney for Dall'Aglio:
11

12 DICKSTEIN SHAPIRO LLP
13 1825 Eye Street, N.W.
14 Washington, D.C. 20006-5403